

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASY VON BROWN,

Defendant.

**CR 03-16-GF-BMM-01**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS TO REVOKE  
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 16, 2016. (Doc. 60.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 16, 2016. (Doc. 56.) Brown admitted to having violated the conditions of his supervised release by

failing to report to the United States Probation Office within 72 hours of release from the custody of the Bureau of Prisons. (*Id.*) Judge Johnston found the evidence sufficient to establish that Brown had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends this Court revoke Brown's supervised release. (Doc. 60.) Judge Johnston recommends that the Court sentence Brown to 12 months and one day imprisonment. (*Id.*) Judge Johnston recommends that the Court sentence Brown to nine months of supervised release. (*Id.*) Judge Johnston recommends that the Court should impose the same conditions of supervised release previously imposed. (*Id.*)

Brown's criminal history category is VI, the current violation is a Grade C, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The statutory and guideline term of supervised release is 32 months, less any custody time imposed. The United States Sentencing Guidelines call for eight to 14 months in custody.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Brown's current violation is serious in nature. A sentence of 12 months and one day imprisonment with nine months of supervised release to follow would be sufficient, but not greater than necessary. A sentence of 12 months and one day will encourage Brown to maintain good behavior while in

custody. The same conditions of supervised release previously imposed, which Judge Johnston read in open court, shall remain.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 60) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Jasy Von Brown, shall be sentenced to **12 months and one day imprisonment with nine months of supervised release to follow.**

DATED this 5<sup>th</sup> day of July, 2016.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on top and "Morris" below it, both starting with a capital letter.

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Brian Morris  
United States District Court Judge